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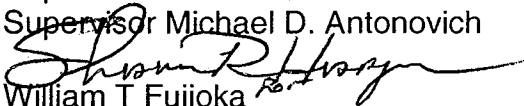
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To: Supervisor Yvonne B. Burke, Chair
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From: 
William T Fujioka
Chief Executive Officer

WASHINGTON, D.C. UPDATE

This memorandum provides an update on the Federal Budget, Homeland Security Appropriations Bill, Medicare Improvement for Patients and Providers Act, and legislation of County interest.

Federal Budget Overview

Yesterday, Senate Majority Leader Reid (D-NV) publicly confirmed that Federal Fiscal Year (FFY) 2009 appropriations bills would not be finalized until the next President is in office. To date, progress on moving the 12 individual FFY 2009 appropriations bills has been slow. Committee mark-ups were completed for six FFY 2009 appropriations bills in the Senate and five in the House. However, bill language and committee reports have only been released for the Commerce-Justice-Science and Homeland Security appropriations bills, as reported by the Senate Appropriations Committee. Floor action will not occur on any FFY 2009 appropriation bill until September at the earliest. In fact, Senator Reid indicated that the Senate, at most, will consider only the Defense and Military Construction-Veterans Administration appropriations bills in September before passing a continuing resolution to temporarily fund Federal programs and operations until early next year.

An impasse exists on FFY 2009 appropriations bills in the House Appropriations Committee. The impasse is a result of Representative Lewis (R-CA), the Ranking

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Minority Member on the Committee, seeking to bring up the FFY 2009 Interior-Environment appropriations bill to force votes on domestic offshore and public land oil drilling amendments during the Committee's mark-up of the FFY 2009 Labor-Health and Human Services-Education appropriations bill on June 26, 2008. House Appropriations Chairman Obey (D-WI) responded by stopping the mark-up of that bill and not scheduling committee mark-ups on any other appropriations bill since that time. Representative Lewis has asked that Chairman Obey commit to a full committee mark-up of the Interior-Environment appropriations bill, which Obey has refused to do.

Because FFY 2009 appropriations bills are not likely to be enacted until next year, Congressional Democrats plan to pursue a second economic stimulus bill or supplemental appropriations bill to address more time-sensitive funding needs. Yesterday, Senate Appropriations Committee Chairman Byrd (D-WVA) indicated that he plans for the Committee to mark up a new supplemental appropriations bill on July 22, 2008. Senator Feinstein (D-CA) already has announced that she is requesting that \$910 million in emergency funding be provided for wildfire suppression, hazardous fuels reduction, and other fire prevention activities. The President is expected to oppose a new supplemental appropriations bill, just as he resisted the inclusion of funding for many domestic programs in the FFY 2009 supplemental appropriations bill, which was enacted in June. It is far from certain that Congressional Democrats would be able to enact a second supplemental appropriations bill over the objections of the President.

FFY 2009 Homeland Security Appropriations Bill

The Senate and House Appropriations Committees both have approved their respective FFY 2009 Homeland Security appropriations bills. However, the House Appropriations Committee has not yet released its bill language and Committee Report. The Senate bill provides \$40.1 billion in discretionary funding for the Department of Homeland Security (DHS) while the House version provides \$39.1 billion, compared to \$37.6 billion requested by the President. Both versions would maintain overall FFY 2009 funding for first responder grants to state and local governments at roughly the same level as in the prior year. The President had proposed to reduce funding for first responder grants by nearly one-half. Funding levels for grant programs of County interest include:

- Both versions fund the State Homeland Security Grant at \$890 million, the same level as in FFY 2008.
- Urban Area Security Initiative funding would increase from \$820 million in FFY 2008 to \$850 million in the House bill and \$825 million in the Senate bill.
- The House bill increases Emergency Management Performance Grant (EMPG) funding to \$315 million while the Senate bill funds EMPG at \$300 million, the same level as in FFY 2008.

- The House bill increases Firefighting Grant funding to \$570 million while the Senate bill includes the same level of funding (\$560 million) as in FFY 2008.
- The House bill increases funding for the Staffing for Adequate Fire and Emergency Response (SAFER) Program, which subsidizes the hiring of firefighters, at \$230 million while the Senate bill includes the same level of funding (\$190 million) as in FFY 2008.
- Both versions fund the Interoperable Communications Grant at \$50 million, the same level as in FFY 2008.
- Both versions increase Urban Search and Rescue Team funding to \$32.5 million from \$25 million in FFY 2008.

The fiscal impact of the proposed FFY 2009 funding levels on the County cannot be determined because FFY 2008 funds under these programs have not yet been awarded. In addition, the amounts allocated to state and local governments may vary significantly from year to year, especially Firefighting Grant and SAFER funding, which is awarded entirely on a competitive grant application basis.

Medicare Improvement for Patients and Providers Act (H.R. 6331)

On July 9, 2008, the Senate passed, on a voice vote, H.R. 6331, the Medicare Improvement for Patients and Providers Act, sending the bill to the President. Before passing the bill, the Senate voted, 69 to 30, to close debate, enabling the Senate to vote on final passage. Nine Republicans, who voted against closing debate in June, switched their votes after Senator Kennedy (D-MA) returned to the Senate to cast the deciding vote to move the bill forward. The vote margin in the Senate and the House, which passed H.R. 6331, 355 to 59, suggests that there would be sufficient votes to override the President's expected veto of the bill. The President's primary objection is that the bill would increase Medicare spending through offsetting reductions in payments under the Medicare Advantage Program, which include health maintenance organizations and preferred provider networks, and which currently costs more per beneficiary than traditional Medicare.

The most widely supported Medicare spending increase in H.R. 6311 would prevent a scheduled 10.6 percent reduction in Medicare payments to physicians by freezing current physician payment rates for 18 months. The bill also would increase Medicare spending by increasing the number of Medicare beneficiaries who qualify for low-income assistance through increased asset limits and by eliminating the higher co-payment rate for Medicare outpatient psychiatric services. In addition, the bill includes a non-Medicare provision that would extend the Transitional Medical

Assistance Program. The Transitional Medical Assistance Program provides transitional Medicaid benefits to families who left welfare for work, for one year through June 30, 2008.

Legislation of County Interest

S. 3069 (Boxer, D-CA) and H.R. 6156 (McKeon, R-CA), the Eastern Sierra and Northern San Gabriel Wild Heritage Act (Act), was introduced on May 22, 2008. The legislation was referred to the Fire Department and Departments of Parks and Recreation and Regional Planning for comment. In addition, Representative McKeon's office has asked for technical comments on the legislation from the Fire Department.

Designation of Wilderness Areas

The proposed legislation would designate approximately 473,000 acres of public land in California as wilderness. Within Los Angeles County, this designation would include over 42,000 acres of land. The Act would expand upon existing wilderness areas or establish new wilderness areas within California as outlined below:

- Hoover Wilderness - Humboldt-Toiyabe and Inyo National Forests (approximately 76,982 acres)
- Emigrant Wilderness - Humboldt-Toiyabe National Forest (251 acres)
- Owens River Headwaters/Ansel Adams Wilderness – Inyo National Forest (15,247 acres)
- John Muir Wilderness - Inyo National Forest and Inyo County (80,112 acres)
- White Mountains Wilderness - Inyo National Forest and Mono County (223,517 acres)
- Granite Mountain Wilderness - Mono County (35,564 acres)
- Magic Mountain Wilderness – Angeles National Forest/Los Angeles County (13,709 acres)
- Pleasant View Ridge Wilderness – Angeles National Forest/Los Angeles County (28,424 acres)

In addition, the Act would designate nearly 53 miles of river as wild and scenic river segments, including over seven miles of Piru Creek located in Los Angeles County in the vicinity of the Ventura County boundary.

Wilderness Areas Within Los Angeles County

The two wilderness areas proposed for designation within Los Angeles County include: (1) the **Magic Mountain Wilderness** which is bounded by Soledad Canyon Road on the north, the community of Sand Canyon on the west, the Santa Clara Truck Trail on the

south, and the Indian Canyon Truck Trail on the east; and (2) the **Pleasant View Ridge Wilderness** which is bounded by the community of Juniper Hills, Devil's Punchbowl Natural Area, and the community of Paradise to the north, the Alimony Truck Trail and Little Rock Truck Trail to the west, and the Angeles Crest Highway (Highway 2) to the south.

Definition of Wilderness Designation

The wilderness designation confers a higher level of protection on the affected areas. The short definition of "wilderness" provided for in the Wilderness Act is "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." In general, the Wilderness Act prohibits the construction of roads, use of motor vehicles and motorized equipment, landing of aircraft and other forms of mechanical transport, and building of new structures. In addition, the Wilderness Act prohibits commercial enterprise, except as needed to support allowable recreational and visitor activities. There are special provisions in the Wilderness Act that permit certain of these generally prohibited activities within specified areas.

A private property owner within the wilderness area would be provided adequate access to the property to ensure "reasonable use and enjoyment of the property." Military activities are generally allowed, including low level military aircraft flights, new units of special air space being designated over the wilderness, and the use or establishment of military flight training routes over the wilderness area. In addition, the Act provides for the continued grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas if such activities were established prior to the adoption of the bill.

Management activities to maintain or restore fish and wildlife population and habitats in wilderness areas are allowed when such activities are consistent with wilderness management plans and carried out in accordance with applicable guidelines and policies. The State's jurisdiction with respect to fish and wildlife would not be affected. Horseback riding or the entry of recreational or commercial saddle back riding in an area designated as wilderness would not be precluded.

The Act allows for the Secretary of Agriculture or Secretary of the Interior, depending on jurisdiction, to "take such measures in a wilderness area designated by the Act as are necessary for the control and prevention of fire, insects, and diseases, in accordance with and the report of the Committee on Interior and Insular Affairs of the House of Representatives." In addition, the Act also provides that not later than one year after the date of enactment, the affected Secretary must review existing policies applicable to the wilderness areas designated by the Act to ensure that authorized approval procedures for any fire management activities allow for a timely and efficient response to fire emergencies in the wilderness areas.

Departmental Comments

The Los Angeles County Fire Department, Department of Parks and Recreation, and Department of Regional Planning reviewed the Eastern Sierra and Northern San Gabriel Wild Heritage Act. Excerpts of comments provided by these departments are included as Attachment I. In addition, staff from the Washington, D.C. office of Representative Howard P. "Buck" McKeon requested some additional information from the Los Angeles County Fire Department regarding the proposed legislation.

The Fire Chief indicates that the areas covered by the proposed legislation are among the most highly flammable and challenging wildland fire environments in California. The wilderness designation proposal is problematic for the County of Los Angeles Fire Department because they are directly adjacent to the wildland urban interface communities of Sand Canyon (Santa Clarita) and Juniper Hills. These communities are frequently affected by wildland fires and are designated as State and Federal "communities at risk."

The proposed wilderness areas generally prohibit the use of mechanized equipment including fire engines, fire crew carriers, and heavy equipment (such as bulldozers). Furthermore, responding firefighting resources would be constrained from utilizing the current road network to suppress fires, thereby impeding the ability to limit fire size and scope during the initial attack phase. These fire prevention restrictions will render communities susceptible to large damaging fires. The Fire Chief will communicate the Fire Department's technical comments to the Chairman and Ranking Minority Member of the Senate Committee on Energy and Natural Resources and will be working with the authors' offices to provide technical assistance on the proposed legislation.

The Department of Parks and Recreation indicates that the proposed designation of the Pleasant View Ridge Wilderness is not inconsistent with the department's operation of the Devil's Punchbowl Natural Area and is not anticipated to have a significant impact on the department's management of this facility. The Department of Regional Planning notes that the adoption of the Act would have no direct impact on the Department's current planning activities and that the Act is consistent with the Open Space and Recreation Elements of the County's General Plan.

S. 3069 is set for a hearing in the Committee on Energy and Natural Resources on July 16, 2008. H.R. 6156 has been referred to the Subcommittee on National Parks, Forests, and Public Lands. H.R. 6156 has not been scheduled for a hearing.

We will continue to keep you advised.

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Attachment

S. 3069 (Boxer, D-CA) and H.R. 6156 (McKeon, R-CA)
The Eastern Sierra and Northern San Gabriel Wild Heritage Act

Summary of Excerpts - County Department Comments

Fire Department

The National Wilderness Act of 1964 prohibits certain measures including the building of roads, the use of motor vehicles, motorized equipment or motorboats, landing of aircraft, and other forms of mechanical transport. The proposed wilderness areas are within the Angeles National Forest in the San Gabriel Mountains. These areas are among the most highly flammable and challenging wildland fire environments in California. The wilderness designation proposal is problematic for the County of Los Angeles Fire Department because the proposed wilderness areas are directly adjacent to the wildland urban interface communities of Sand Canyon(Santa Clarita) and Juniper Hills. These communities are frequently affected by wildland fires and are designated as State and Federal "communities at risk."

The proposed wilderness areas generally prohibit the use of mechanized equipment including fire engines, fire crew carriers, and heavy equipment (such as bulldozers). Furthermore, responding firefighting resources would be constrained from utilizing the current road network to suppress fires, thereby impeding the ability to limit fire size and scope during the initial attack phase. The proposed wilderness areas would also limit fuel modification measures and fire prevention activities from occurring along the wilderness area perimeter. These fire prevention restrictions will render communities susceptible to large damaging fires.

To address these issues, local firefighting agencies, such as the Los Angeles County Fire Department, need an adequate and efficient mechanism in place with the Federal government to ensure firefighters and other emergency responders can protect life, property, and the environment in the wildland urban interface communities abutting the Angeles National Forest.

Parks and Recreation

Pleasant View Ridge Wilderness Proposal. The proposed boundary of the Pleasant View Ridge Wilderness would cross over the lower southern portion of the Devil's Punchbowl Natural Area, which is operated by the County Department of Parks and Recreation. The natural area is 1,310 acres in size, consists of rugged wilderness rock formations along the San Andreas Fault on the north slope of the San Gabriel Mountains and contains picnic areas, a visitor and nature center and hiking trails. The terrain climbs from 4,200 feet to 6,500 feet in elevation, with natural plant and animal communities ranging from desert scrub to pine forests. A seasonal stream runs through the Devil's Punchbowl Natural Area. The primary recreational uses are hiking and rock climbing.

Devil's Punchbowl Natural Area. Devil's Punchbowl Natural Area was opened in December 1963 and includes land purchased by the County and leased U.S. Forest Service lands in the Angeles National Forest. The largest part of the Devil's Punchbowl Natural Area is on leased land. The remaining area is County property outside the forest boundary. The land where the nature center is located was acquired by the County because of its unique features and the surrounding U.S. Forest Service lands were added to enhance the park. The Natural Area is located in Park Planning Area 45B – Pearblossom, and the department has designated the facility as a nature area. Nature areas serve the entire County population, are over 20 acres in size, provide mostly passive recreational activities and programs, and offer environmental educational opportunities.

The lower southern area of the Devil's Punchbowl Natural Area, which is included as a lesser component of the some 28,000 acres in the proposed boundary of the Pleasant View Ridge Wilderness, would consist of land leased by the County from the Angeles National Forest. The underlying Federal ownership of this portion of the natural area already limits certain land uses in accordance with Federal land management policies related to preserving natural resources and maintaining biological diversity. The proposed wilderness designation may increase opportunities for Federal funding at the Devil's Punchbowl Natural Area.

The proposed designation of the Pleasant View Ridge Wilderness is not inconsistent with the department's operation of the Devil's Punchbowl Natural Area. The adoption of Eastern Sierra and Northern San Gabriel Wild Heritage Act is not anticipated to have significant impact on the department's management of the Devil's Punchbowl Natural Area. According to the bill's authors, the Act would provide the highest level of protection and conservation for Federal lands and would enhance recreational opportunities.

Regional Planning

Magic Mountain Wilderness. The proposed area: includes the historic range of the California condor; includes a key watershed (Santa Clara River/Soledad Canyon) that is habitat for the endangered Santa Ana Sucker and the endangered Unarmed Threespine Stickleback and California Gnatcatcher; is a key corridor between the San Gabriel and Castaic Ranges; and is home to black bear, mountain lion, and bobcats.¹ The proposed Magic Mountain Wilderness is characterized by sloping chaparral- and Manzanita-blanketed hillsides and live oak canyons that drain into the Santa Clara River. Soledad Canyon is listed as an "Area of High Ecological Significance." The recent United States Forest Service report, "Southern California Mountains and Foothills Assessment," has identified the area as an important habitat linkage to the Castaic Ranges.

Pleasant View Ridge Wilderness. The proposed area: is home to sensitive species including the California Spotted Owl, Flammulated Owl, Ferruginous Hawk, Mountain Yellow Legged Frog, and Desert Tortoise; includes Little Rock Creek, an Area of High Ecological Significance; includes the Pacific Crest Trail and the Silver Moccasin Trail; and provides outstanding recreational values including back country skiing, stream swimming, fishing, and horseback riding.

¹ California Wilderness Coalition

Countywide General Plan. The adoption of the Magic Mountain Wilderness and Pleasant View Ridge Wilderness would further the policies of the Countywide General Plan (General Plan) by providing greater protection to the environmental and recreational resources of their respective areas. The Conservation, Open Space and Recreation Element of the General Plan include the following relevant policies:

- Protect watershed, streams, and riparian vegetation to minimize water pollution, soil erosion and sedimentation, maintain natural habitats, and aid in ground water recharge.
- Maintain natural watershed processes by regulating development in tributary watersheds.
- Protect the visual quality of scenic areas including ridge-lines and scenic recreational and conservation needs.
- Provide low intensity outdoor recreation in areas of scenic and ecological value compatible with protection of these natural resources.
- Cooperate with the U.S Forest Service in developing a comprehensive management program for the National Forests which will maintain high quality watershed, protect against natural hazards, provide recreational opportunities, and protect fish and wildlife habitats and designated wilderness areas.
- Encourage public acquisition of private in-holdings in the forests.

The adoption of the Eastern Sierra and Northern San Gabriel Wild Heritage Act would have no direct impact on the Department of Regional Planning's current planning activities. The bill is consistent with the Open Space and Recreation Elements of the General Plan.